

The Gant County Fiscal Court met in Regular Session on Monday, August 15, 2005, at 7:00 P.M. at the Grant County Courthouse in Williamstown, Kentucky 41097, with Richard Austin, Magistrate 1st District, Present; Patricia Conrad, Magistrate 2nd District, Present; Kenny Messer, Magistrate 3rd District, Present, and Hon. Darrell Link, County Judge/Executive, Present and Presiding.

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Magistrate Conrad opened in prayer. Judge Link led in the Pledge of Allegiance. Those present were: Bernard Mardis-Cable TV, James Perkins, Megan Harp with Harp Enterprises, Inc., Judy Fortner-Grant County Court Clerk, Mr. & Mrs. Jon Gosney, Charlie Phillips, Gurney (Bud) Clancy and Rebecca Russo-Grant County News. Judge Link updated on the Additions/Deletions to the Agenda.

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Motion of Richard Austin and seconded by Patricia Conrad it is hereby ordered to approve the minutes of the August 01, 2005, meeting as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for review and approval the Claims in the General Expense Fund, Road Fund, and Jail Fund, for the month of August, 2005, along with the transfers needed to pay said claims. He asked if there were any questions about them.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to approve Claims No. 01-0157 thru 01-0220 in the amount of \$43,692.37 paid out of the General Expense Fund; Claims No. 02-0062 thru 02-0085 in the amount of \$170,338.58 paid out of the Road Fund; and Claims No. 03-0060 thru 03-0102 in the amount of \$51,225.31 paid out of the Jail Fund, for the month of August, 2005, along with the transfers

presented to pay said claims.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell L. Link, County Judge/Executive, votes Yes.

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Judge Link presented the Bids received for the Purchase of Voting Machines and Upgrades for County Elections. Only one bid was received. It was from Harp Enterprises, Inc. Megan Harp with Harp Enterprises, Inc. was present and brought with her a machine to give a demonstration but the Court had already seen these at the Magistrates and Judge/Executive's Conference held earlier that they had attended. At this time Judge Link asked if anyone else wanted to address the Court on this machine. Mrs. Gosney said she did but she wanted to address another subject and Judge Link informed her that she could address that issue later during the meeting and apologized for the confusion. Judge Link then opened the bid from Harp Enterprises, Inc. and read the Bid in full showing a complete total of \$145,365.00. Meagan did inform the Court that the Disabled Access Units (DAU) and Judge's Booth Controller (JBC) listed on the first line of the bid would only cost the county \$2,500.00 in the future if they had to buy this again, the cost would remain \$2,500.00. Magistrate Conrad stated that she understood the county would be reimbursed for this cost, it would not be the taxpayers paying for it. Judge Link stated that we would be reimbursed by the State. Magistrate Austin asked what the life expectancy was on these machines and Megan updated on what she felt it would be and said she estimates 25-30 years unless a mandate comes along from the State. She updated on how this machine would work and said that it can actually be taken to a vehicle if someone is disabled and they can actually vote from their

car and then when it is plugged back into the booth then it sends the vote to the main control. Judge Link stated that Kentucky actually leads the nation and Kentucky counties lead in the Election process to make it easy and he thanked vendors like Harp Enterprises for helping make that a reality and for cooperating with counties.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to accept the bid of Harp Enterprises, Inc. in the amount of \$145,365.00 for the Purchase of Voting Machines and Upgrades for County Elections in accordance with bid as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for second reading Ordinance No. 10-2005-567 relating to an Amendment to the Grant County Zoning Map for applicant Roy Alexander, along with the Notice to run in the local paper showing adoption, if approved. They are as follows: Motion of Kenny Messer and seconded by Richard Austin it is hereby ordered to approve the second reading of Ordinance No. 10-2005-567 relating to an Amendment to the Grant County Zoning Map for applicant Roy Alexander along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for a second reading Ordinance No. 11-2005-568 relating to an Amendment to the Grant County Zoning Map for applicant Dwight Harvey, along with the Notice to run in the local paper showing adoption, if approved. They are as follows: Motion of Kenny Messer and seconded by Patricia Conrad it is hereby ordered to approve

the second reading of Ordinance No. 11-2005-568 relating to an Amendment to the Grant County Zoning Map for applicant Dwight Harvey, along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for a second reading Ordinance No. 12-2005-569 relating to an Amendment to the Grant County Zoning Map for applicant James Shanks, along with the Notice to run in the paper showing adoption, if approved. They are as follows: Judge Link pointed out that there are two sites on this Ordinance and reviewed them as shown on the Ordinance.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to approve the second reading of Ordinance No. 12-2005-569 relating to an Amendment to the Grant County Zoning Map for applicant James Shanks, along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for a second reading Ordinance No. 13-2005-570 relating to an Amendment to the Grant County Zoning Map for applicant Tammy Woodyard, along with the Notice to run in the local paper showing adoption, if approved. They are as follows: Discussion was held on the 3 Acres and if it was the proper amount of acres to be Rural Residential. It is for split acreage but is on two sides of the road. Attorney Ed Lorenz reviewed the Recommendation of the Planning Commission once again to get a

clear picture of the area and discussed it with the Court at length. He then agreed with their Recommendation and said that it is appropriate to change the Zone to Rural Residential.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to approve the second reading of Ordinance No. 13-2005-570 relating to an Amendment to the Grant County Zoning Map for applicant Tammy Woodyard, along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for review and action the Recommendation of the Grant County Planning Commission for a Zone Change from Agricultural One (A-1) to Residential One E (R-1-E) on 80.7980 acres of land generally located at 1305 Warsaw Road or approximately 1.5 miles from the intersection of Warsaw Road and Ky. 22, Grant County, Kentucky, owned by applicant Dynasty Development, LLC. It is as follows: He also presented for a first reading Ordinance No. 14-2005-571 relating to an Amendment to the Grant County Zoning Map for said applicant, along with the Notice to run in the local paper showing second reading to be on September 06, 2005, at 7:00 P.M. or as soon thereafter as possible, if approved. They are as follows: He also presented a letter from the City of Dry Ridge regarding this property. It is as follows: This letter confirms that the City Council of Dry Ridge has voted to proceed to annex the property in question, the 80 acres of land owned by William Hutchison known as the Kelly Farm, and it appears they also potentially are going to annex some other property owned by Dorothy Beach, Jerry Beach and Herbert Thomas Beach. Judge Link explained the reason that is

important is he believes the Zone Change they have requested actually calls for a Municipality, or an Agency that is governed by a Municipality, has to provide for a Sanitation System, and that is one of the reasons he would guess is why the City of Dry Ridge is annexing that property, so they could provide the Sanitation System along with all the other services that the City provides. He said that it appears to him that they went to the Planning Commission first and requested a Zone Change without providing for sanitation which seems to be a little backwards to him. He would think you would get the requirements satisfied first and then apply for a Zone Change. His question is "Do I need to be concerned with that or should the Magistrates condition their approval on the fact that the City of Dry Ridge needs to follow thru, or is that apparent?" Mr. Lorenz said that was a good question. He suspects that they can not use the Zone R1E with that size lots as they would not be suitable for development without a Sewage system such as only Dry Ridge could provide, so he thinks it is an assumption that it would not do any harm to make that a condition. It is just adding on a little bit, but would be surplus if it is moved back, so it would not do any harm for that to be a condition for the City of Dry Ridge to provide Sanitation to this development. Judge Link asked Magistrate Conrad if it was okay to add this condition to her Motion. She responded that she had thought this was a part of the Recommendation. Judge Link said that was a part of the problem. We could not tell from the minutes of the Planning Commission that it was conditional and that is why he had not put it on the Agenda for a couple of meetings because he wanted to see what the City of Dry Ridge was going to do. They have finally acted and voted to proceed to annex the property. Obviously a second vote needs to take place. Lord knows something could happen, so just to be safe our good Counselor is

making the recommendation to go ahead with the condition if Magistrate Conrad agrees to approve the Recommendation of the Grant County Planning Commission, adopt the first reading of the Ordinance with this condition that the City of Dry Ridge does as they say they will and proceeds with annexing the property and provides a Sanitation system. It was also asked if the City of Williamstown is involved in this but it does not mention reference to them at all in the Recommendation. If it is annexed by the City of Dry Ridge, will Williamstown provide water service? More discussion was held about the Recommendation and what it was saying. Judge Link said that he was still not sure and that is what bothered him. He still recommends that approval be given with the condition that the City of Dry Ridge does annex the property into the city limits and provide Sanitation services.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to accept the Recommendation of the Grant County Planning Commission for a Zone Change for applicant Dynasty Development, LLC as presented, and to approve the first reading of Ordinance No. 14-2005-571 relating to an Amendment to the Grant County Zoning Map for said applicant, along with the Notice to run in the local paper as presented, with the condition that the City of Dry Ridge does annex this property and does provide a Sanitation System to the property.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

County Attorney Ed Lorenz said the question now is will this have to go back to the Planning Commission since the Fiscal Court had put a condition on their original Recommendation. Mr. Lorenz said that he would have to check on this to see if they

have to re-evaluate this. He thinks it can be put on there but then it has to go back to them for consideration in light of the condition that was added for a further Recommendation. Judge Link said that if the Court advertises second reading to be on September 06th and it does have to go back to them, the Fiscal Court might not be able to hold the second reading of the Ordinance at that meeting and it may have to be taken off the Agenda and he wanted the Court to be aware of that. Judge Link updated that there may be another Zone Change coming before the Court that is similar to this one and he has discussed it with Becky Ruholl, Interim Administrator, and he asked her if they have Sanitation there. She said that she did not know but she would find out at their meeting. He expressed his concern to her that those things need to be satisfied as the Ordinance provides or else they need to condition their Recommendation because it is putting the Court in a different position like we are experiencing tonight. Some discussion was held on when the Planning Commission might review this Recommendation with the condition and if it might be put on for this month's meeting but no one was sure when it would be looked at by them.

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Judge Link presented for review and action the Policy and Procedures for 2005-2006 Fiscal Year for the Grant County Detention Center. He stated that the Court had had an opportunity to review them and asked what their pleasure was. Magistrate Austin said he had discussed this with the Jailer and was not happy with all of the wording in some sections, but that he had been assured that it had been reviewed by someone smarter than him and he feels that it will all be okay.

Motion of Kenny Messer and seconded by Patricia Conrad it is hereby ordered to approve

the Policy and Procedures for 2005-2006 Fiscal Year for the Grant County Detention Center as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell L. Link, County Judge/Executive, votes Yes.

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Judge Link presented for review and action the Appointment of Richard Austin to serve as the Fiscal Court Representative on the New Courthouse Facility Committee. It is as follows: Judge Link again updated on the persons who will be on this Committee as established by the Administrative Office of the Courts, and said that he wanted the Fiscal Court to be aware that this was their Appointment, not his as Judge/Executive, and he wanted the Court to understand that and be comfortable with this Appointment as presented.

Motion of Kenny Messer and seconded by Patricia Conrad it is hereby ordered to approve the Appointment of Richard Austin, Magistrate 1st District, to serve as the Fiscal Court Representative on the New Courthouse Facility Committee called the Local Project Development Board (PDB) as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, Abstains; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented the County Treasurer's Monthly Cash Position Report for July 2005. It is as follows: No action is required. He also stated that the County Treasurer's Quarterly Financial Report and Settlement for fiscal year ending June 30, 2005, will be deleted until the next meeting.

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Judge Link presented for review and action the letter, Resolution and Agreement from the

Transportation Cabinet, Department of Intergovernmental Programs, to perform bituminous resurfacing on various county roads and requested authorization to sign said documents. They are as follows: He gave an update on the roads which are: Dry Ridge-Mt. Zion Road (CR 1005), Sherman-Newton Road (CR 1021), Shady Lane Road (CR 1017), Vallandingham Road (CR 1331), Violet Road (CR 1014), and Lemon Northcutt Road (CR 1033). He stated that these documents will be returned for their signatures and then a copy will be sent back to him and then he will discuss with the Court a proper time to bid these roads out.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to approve the Resolution and Agreement between the Grant County Fiscal Court and the Transportation Cabinet, Department of Intergovernmental Programs, to perform bituminous resurfacing on Various County Roads as listed in the document, and to further authorize the Judge/Executive to sign same on behalf of the county.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented for review and action the Resolution Declaring that a Local Drought Emergency Exists in Grant County and urging for the United States Department of Agriculture and the Kentucky Dept. of Agriculture to provide for financial assistance to the farmers in Grant County, Kentucky, and call for the authorization of the Livestock Assistance Program and the Crop Disaster Program. It is as follows:

Motion of Richard Austin and seconded by Kenny Messer it is hereby ordered to adopt the Resolution declaring a Local Drought Emergency Exists in Grant County and urging

for the United States Department of Agriculture and the Kentucky Dept. of Agriculture to provide for financial assistance to the farmers in Grant County, Kentucky, and call for the authorization of the Livestock Assistance Program and the Crop Disaster Program as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link gave the Fiscal Court members a copy of a Survey that had been completed on the Election Precincts and told them to take them home and review them and they would discuss them at a later date. He said he was not sure the county could do anything on some of them as they are not owned by the county.

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Judge Link opened up discussion for the “Good of the County”. He said that anyone could address the Court at this time. Mrs. Ila Y. Gosney, Chairman of the Grant County Republican Party, presented a Letter to the Court requesting that a Committee of 3 People be appointed to review the reapportionment of the Magisterial Districts in the county and suggesting that a preliminary review by them indicates that an additional two (2) Magistrates are needed due to the growth of the county and the unbalance of the Magisterial districts. Letter is as follows: Judge Link asked if anyone else wanted to address this issue. Charlie Phillips, President of the League of Kentucky Property Owners, also presented a letter and spoke in support of their request and stated the League would provide a member for this Committee, but if membership is not forthcoming, they request that the League be on the meeting notification list so that they may provide observers. His letter is as follows: Judge Link asked if anyone else wanted

to address this issue. No one did. He stated that this request will have to be turned over to the County Attorney for his opinion as to whether a reapportionment of the districts can be accomplished. He said that it is usually done after a Census has been taken but he thought it could be done earlier if needed. He will have the County Attorney review this and give his opinion. He said that November of this year is the earliest time to sign up for an election and there may be some timing issues to review on this matter and Mr. Lorenz will address that issue to the Court as well. If a Magisterial District is reapportioned it may affect the voting precincts and they may not be changed. Charlie Phillips also presented a letter on behalf of the League of Kentucky Property Owners, Al Yelton Chapter in Grant County, Inc., regarding the Planning Commission and some actions they have taken which they say results of these actions are causing an unauthorized, unapproved change to the Subdivision regulations of Grant County in that no Notice was given to the public as required by law. The letter is as follows: He also stated that he understood that Subdivision Regulations are not adopted by the Fiscal Court but by the Planning Commission. Mr. Lorenz said that the Planning Commission adopts Subdivision Regulations and has since he has been here. He has not checked it out but would be happy to look into that also. Mr. Phillips asked if they can be changed without Notice. He was told that the Planning Commission Attorney, Tom Neinaber, should address this question. Mr. Gurney (Bud) Clancy spoke up and said that these changed the Zoning Ordinances and that is the Court's decision. Mr. Lorenz will also look into that. Mr. Phillips asked that he be put on the next Agenda and he wants to address one of them being put on the Search Committee for a Zoning Administrator. Judge Link asked if anyone else wanted to address the Court on any issue. Mrs. Gosney

asked about getting fans for the Rest Rooms at the Grant County Park and said that it would be very nice to have some put in. Judge Link said that he would look into that. Judge Link announced that on August 23rd at the Grant County High School the Bullock Pen Water District would have a meeting regarding providing waterlines to several Roads in the county which will make 100% water in the county. He encouraged everyone who lives on those roads to attend this meeting and sign up. He also stated that the Corinth Water District Project will be completed in about two weeks, except for Fork Lick Road and that will be included if there are available funds. He also updated on the Senior Citizens Bash to be held on September 15th at the Grant County Park which will be a Western theme, and invited all to come and participate and hopefully win one of the many prizes to be awarded.

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Judge Link reminded Fiscal Court that there would be a Public Properties Corporation meeting immediately after this meeting and that the next Caucus meeting will be on Monday, August 29, 2005, at 5:30 P.M., and that the next meeting of the Fiscal Court due to the Labor Day Holiday, will be on Tuesday, September 06, 2005, at 7:00 P.M.

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Motion of Richard Austin and seconded by Patricia Conrad it is hereby ordered to Adjourn until Tuesday, September 06, 2005, at 7:00 P.M.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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GRANT COUNTY JUDGE/EXECUTIVE